

FILED

2008 JUL 11 AM 10:00

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY DEPUTY

UNITED STATES OF AMERICA,

Plaintiff,

v.

Adrian GARCIA-Alcantar,

Defendant.

'08 MJ 2104

Magistrate Case No. _____

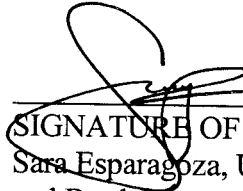
COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section
1324(a)(2)(B)(iii)-
Bringing in Illegal Alien
Without Presentation

The undersigned complainant being duly sworn states:

On or about **July 10, 2008**, at the San Ysidro Port of Entry, within the Southern District of California, defendant **Adrian GARCIA-Alcantar**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien, namely, **Silvia Margarita HERNANDEZ-Lucho** had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said alien, and upon arrival did not bring and present said alien immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
Sara Esparagoza, United States Customs
and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **11th** DAY OF
JULY, 2008.


UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

The complainant states that **Silvia Margarita HERNANDEZ-Lucho** is a citizen of a country other than the United States; that said alien has admitted she is deportable; that her testimony is material; that it is impracticable to secure her attendance at trial by subpoena; and that she is a material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On July 10, 2008, at approximately 0148 hours, **Adrian GARCIA-Alcantar (Defendant)** made application for admission into the United States from Mexico via the vehicle primary lanes at the San Ysidro, California Port of Entry. Defendant was the driver and sole visible occupant of a Green Mitsubishi Eclipse. Upon inspection before a United States Customs and Border Protection (CBP) Officer, Defendant gave a negative customs declaration, presented his California driver license with California Birth Certificate and stated he was en route to San Diego, California.

Earlier in the shift, the CBP Officer had referred a similar vehicle to secondary inspection for having a prohibited agricultural item, specifically a coconut, in the center console and was later found to have a female concealed in a non-factory dashboard compartment. The CBP Officer noted this vehicle had very similar characteristics, to include a coconut visible in the center console. The CBP Officer suspected Defendant may possibly be smuggling undocumented alien(s) and requested for assistance. CBP Officers responded and upon further inspection of the vehicle's dashboard, discovered a human being concealed within. The vehicle and its occupants were subsequently escorted to secondary.

In secondary, CBP Officers removed one female from a non-factory dashboard compartment. A CBP Enforcement Officer removed two screws and the glove box in order to free the female from the compartment. The dashboard had clearly been modified, with most of its internal factory components removed to accommodate the concealment of a person. The concealed female was determined to be a citizen of Mexico without legal documents to enter the United States and is now identified as: **Silvia Margarita HERNANDEZ-Lucho (Material Witness)**.

During a videotaped interview, Material Witness declared she is a citizen of Mexico without legal rights or entitlements to enter the United States. Material Witness stated she was going to pay \$5,000 USD to be smuggled into the United States. Material Witness stated she was en route to her residence in Hughson, California.


SIGNATURE OF COMPLAINANT
Sara Esparagoza, United States Customs
and Border Protection Enforcement Officer


UNITED STATES MAGISTRATE JUDGE